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**From:** Matt Cloutier [mcloutier@iislaw.com]  
**Sent:** 10/17/2017 3:46:29 PM  
**To:** Healy, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1638b0a30364c7d98ea7af410a9cb2a-Healy, Stephen]  
**Subject:** RE: Glider Vehicle Compliance Inquiry

Hi Stephen,

That would be great. I could call at any point this afternoon, is there a time that would work best for you?

Thanks,

-Matt

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**From:** Healy, Stephen [mailto:healy.stephen@epa.gov]  
**Sent:** Tuesday, October 17, 2017 10:13 AM  
**To:** Matt Cloutier  
**Subject:** RE: Glider Vehicle Compliance Inquiry

Mathew,

Could you please give me a call to discuss this? To qualify for the small business exemption the regulations require that the small business has sold at least one glider. So if you client has not sold a glider then they would not qualify for the small business exemption. They can still purchase and build gliders un 1037.635, but this would require newer engines to be used.

Stephen Healy  
Mechanical Engineer  
EPA OTAQ Compliance Division  
Diesel Engine Compliance Center  
734--214-4121

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**From:** Matt Cloutier [mailto:mcloutier@iislaw.com]  
**Sent:** Thursday, October 12, 2017 11:53 AM  
**To:** Healy, Stephen <healy.stephen@epa.gov>  
**Subject:** Glider Vehicle Compliance Inquiry

Hi Stephen,

I'm an attorney in North Carolina and I am attempting to determine how the Phase Two regulations apply to a client involved in the trucking industry. Any help you could provide would be greatly appreciated.

As I understand it, these regulations (found in 40 CFR 1037 and 1068) prohibit the "introduction into commerce" of glider vehicles with engines that do not meet current (or upcoming) emission standards. I am aware that there are small business exemptions from these requirements (found in 40 CFR 1037.635), but 40 CFR 1037.150(t)(1)(i) states that "[y]ou do not qualify [for this exemption] if you only produced glider vehicles for your own use."

Our client has produced a small number of glider vehicles (roughly [REDACTED] over the past 30 years) for use within his own business. He does not, to my knowledge, purchase glider kits into which he installs components, rather, he constructs them entirely out of used components (cab, engine, transmission, etc...). He does not sell the vehicles.

This precise situation does not seem to be clearly covered by any of the regulations. So my question is whether the EPA views him as a manufacturer of new glider vehicles subject to these regulations.

Thanks,

Matthew D. Cloutier.

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